1943

File No. Civil Courts II/43
Legal Department

B BRANCH

Subject:—

Rules and Notifications under
the Bombay Civil Court
Act, 1869

1/2 5/E

File No. Civil Courts II /43

Gen. 194 e.

62-B

Office of the R.L.A.

It is not known by what notification the First Class Sub-Judge, Nadia, was made the additional First Class Sub-Judge, of Borach and Panch Mahàls, The H.D.notfn. No. 5770 dated the 7th /8th September 1925 referred to in H.D. note of 20th October 1942 (p.7 ante)is not in point. It states that the Additional First Class Sub-Judge in Ahmedabad Judicial District (who is stationed at Nadiat) shall be the Additional First Class Sub-Judge of Broach and Panch Mahals. It appears that the revenue district of Kaira was excluded from the Judicial District of Ahmedabad and was cretated as a new JudicialDistrict of Kaira with effect from 1st January 1926. (vide H.D. notification No.5259-III, dated 6th October 1925 at p.12 of Local Rules and Orders Vol.IV). H.D. notification No.5770, dated 7/8th Spetember 1925 must have been amended thereafter as regards the jurisdiction of the Civil Courts in the Kaira district. In order to enable R.L.A. to revise the draft notifcation at p.29, H.D. is requested to furnish this office withthe notification by which the First Class Sub-Judge, Nadiad, was appointed to be the Additional First Class Subordinate Judge, Broach and Panch Mahals.

Id/- N.K [illegible]

for Remembrancer of Legal Affairs.

U.R. to H.D. No.327,

dat the 14th January 1943.

JPR.14/7/56.4c.

DM
1817

Office of the R.L.A.

There is no objection to cancel G.N.,H.D.No.5770-II dated 14th July 1925 and No.5770 dated 7/8th September 1925. A draft notification is sxent hxerewith.

2. As the Additional First Class Sub-Judge at Nadiad will hereafter cease to be also the Additional First Class Sub-Judge, Broach and Panch Mahals it will be necessary to delete the reference to his Court in G.N.,H.D.No.7065/3 dated 11th November 1935 at p.433 of the Local Rules and Orders Vol.II, under section 92(1) of the Code of Civil Procedure The requisite draft notification for the purpose is sent herewith.

Id/- P.N.M.
13/2

Remembrancer of Legal Affairs.

U.R. to H.D. No.1143,

dated the 15th February 1943.

JPE.14/7/56.4c.

Office of the R.L.A.

The intention of H.D. in this case needs to be clarified as the proposals of the District Judge at pages 3-7 read with the High Court Letter at pages 1-2 are not suggiciently clear. At present the position is as follows:-

Broach- (1) Ther is a First Class Sub-Judge of Borach now including Panch Mahals (see Government Notification, No.963, dated 14th February 1907).

(2) There is an Additional First Class Sub-Judge of Broach and Panch Mahals at Nadiad (see Government Notification, No.5770, dated 8th September 1925). This court is proposed to be abolished in the linked case.

(3) There is a Joint First Class Sub-Judge of Broach and Panch Mahals (see High Court Notification, No.A-1/541, dated 11th September 1942).

(4) There is also a Joint Second Class Sub-Judge of Broach.

Godhra. (5) There is a Second Class Sub-Judge of Godhara (see Government Notification, No.2220, dated 23rd March 1885).

2. The ordinary jurisdiction of NOs. (1) to (4) is confined to the Broach subordinate court area. That of No.(5) is confined to the Godhara subordinate Court area. The special jurisdiction of Nos. (1) to (3) extends over the whole judicial district of Broach including Panch Mahals.

3. Now under the arrangement ordered by Government Notification, No.6510/4, dated 23rd December 1942 the Judge at No. (1) is working at Godhra. The arrangement facilitates the exercise of his special jurisdiction in respect of the Panch Mahals part of the judicial district of Broach. But the arrangement does not extend his ordinary jurisdiction to the Godhra subordinate Court area which still vests entirely in the incumbent of the Godhra Court No.(5). The proposal is to give the Judge at No.(1) this ordinary jurisdiction of Godhara Court in substitution of the ordinary jurisdiction of the Broach Court. It will be necessary to make the following charges for the purpose:—

(a).....

(a) Convert the Second Class Subordinate Court of Godhra into a First Class Subordinate Court of Godhaa(section 21 of the Bombay Civil Courts Act, 1869)

b) Attach two Judges to this new Court, namely, the incumbent at No.(1) as First Class Sub-Judge, and the incumbent at No.(5) as Joint Second Class Sub-Judge (Sections 22 and 23 of the Act);

(c) Appoint the incumbent at No.(3) as First Class Sub-Judge of Broach to preside over the Broach First Class Court (Section 22 of the Act); and

(d) After the above is done, abolish the Court at No. (2) as proposed in the lined file (section 21 of the Act), by cancelling the revelevant notifications.

4. In the result, for purposes of ordinary jurisdiction the Broach and Godhar Local areas will each possess two Judges at its Subordinate Court, namely one First Class Sub-Judge and one Joint Second Class Sub-Judge. Each of the First Class Sub-Judges will continue to have special jurisdiction in respect of the whole judicial district of Broach including Panch Mahals, but in actual practice they will only deal with cases arising in their respective areas. H.D. may confirm if the intention is correctly brought out by the above result. If so H.D. may prepare the required drafts under the several sections specified above and send them for scruitiny to the R.L.A.

Sd/- P.N.M.
13/2

Remembrancer of Legal Affairs.

U.R. to H.D. (with H.D. files Nos.5770-I and S/45/7(2901-3000) No.1140, dated the 15th February 1943.

JPE.16/7/56.4c.

Office of the R.L.A.

In place of the proposed draft notifications at pp.29, 39 and 37 ante, the accompanying revised draft notifications are sent herewith. When the accompanying revised drft notification under section 92(1) of the Code of Civil Procedure, 1908, is xissued, it will not be necessary to issue the draft notification sent to H.D. under para. 2 of this office ux.r. No.1143 dated 15th February 1943. It is presumed that the accompanying revised draft notification uinder section 20 of the Workmen's Compensation Act, 1923, will be issued by the P. & S.D.

2. As the High Court of Bombay will issue the draft notifications marked B and C at pages 31=33 ante, they have not been scrutinized in this office.

Id/- P.N.M. 5/6

Remembrancer of Legal Affairs.

U.R. to H.D. No.4053,

dated the 7th & June 1943.

JPE.16/7/56.4c.